

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Eighth Judicial District Court, County of Cascade

STATE OF MONTANA,)	
)	CAUSE NO. DC-12-119
Plaintiff,)	
)	SENTENCE REVIEW HEARING
)	VACATED -
-vs-)	DISMISSED WITHOUT PREJUDICE
)	
JOSEPH CHARLES MILLER,)	
)	
Defendant.)	

On February 22, 2019, the Defendant's Application for review of that sentence was scheduled to be heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by video conferencing from Crossroads Correctional Center and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. Defendant was further advised that there is no appeal from a decision of the Division. Defendant acknowledged that he understood this and stated that he did not wish to proceed.

Instead, defense counsel made an oral motion to dismiss the Defendant's Application for Review of Sentence without prejudice. Mr. Getty stated that the Defendant wished to pursue post-conviction relief and requested that the sentence review hearing be vacated until post-conviction relief has been completed.

It is the unanimous decision of the Division that the Defendant's motion to dismiss his Application for Review of Sentence without prejudice is GRANTED. The Defendant will have sixty (60) days from the completion of his post-conviction relief to file a new Application for Review of Sentence with the Cascade County Clerk of District Court.

Done in open Court this 22nd day of February, 2019.

DATED this 20th day of March, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



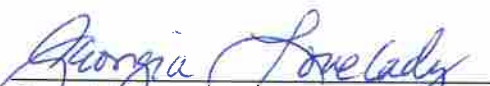
Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 25th day
of March, 2018, to:

Clerk of District Court (Original)
Joseph Charles Miller #2138407, Defendant (2)
Hon. John Kutzman
Brent Getty, Defense Counsel
Kory V. Larsen, Esq.
Board of Pardons and Parole
MSP - Records Dept.


Georgia Lovelady, Judicial Assistant
Sentence Review Division